

**GOVERNMENT OF ANDHRA PRADESH**

**ABSTRACT**

Public Services-Treasuries & Accounts, Department- Nellore District-Disciplinary action against Sri Y.Krishnaiah, S.T.O., Podalakur, Nellore District-Penalty of withholding of 2% cut in his pension for a period of 1 year-Orders-Issued.

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**FINANCE (ADMN-III) DEPARTMENT**

G.O.Rt.No. 2168

Dated:30-04-2010

Read the following:

- 1.Representation of Sri Y.Krishnaiah, STO, Podalakur, Nellore District received through Magunta Parvathamma, Hon'ble MLA, Kavali, Nellore with the endorsement of Hon'ble Minister for Finance.
- 2..Lr.No.K(I)4/11109/2006, dt.21-03-2007 from the DTA, Hyderabad.
- 3.Charge.Memo.No.K(I)4/11109/2006, dtd.21-03-2007.
- 4.Writtten Statement of defence dtd.4-4-2007 of Sri Y.Krishnaiah, STO, Podalakur.
- 5.Inquiry Report Lr.Rc.No.A1/3171/2006, dt.21-05-2008 from Smt.M.Geeta Devi, Deputy Director, District Treasury, Nellore.
- 6.Govt.Memo.No.2974/629/A1/Admn-III/2006, dt.20.10.2008
- 7.Representation of Sri Y.Krishnaiah, S.T.O., Podalakur, Nellore District Dated.nil
- 8.Final Show Cause Notice.No.2974/629/A1/Admn-III/06, dt.23.09.09
- 9.Explanation of the individual dt.29.10.2009
- 10.Lr.No.2974/629/A1/Admn-III/06, dt.19.12.09 of Fin (Admn-III) Dept.
- 11.Lr.No.200/RT-I/1/2010, dt.30.3.2010 of APPSC, Hyderabad

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**ORDER:**

In the reference 2<sup>nd</sup> read above, the Director of Treasuries and Accounts, AP, Hyderabad has stated that during the inspection of the Sub Treasury, Podalakur, Nellore District on 20-06-2006 and 21-06-2006 by the Deputy Director, District Treasury, Nellore certain irregularities noticed against Sri Y.Krishnaiah, STO and following charges were framed.

**Charge-I:**

“Sri Y.Krishnaiah, STO, Podalakur has failed to remit an amount of Rs.9,310/- being the undisbursed pension returned from the SBI, Podalakur as detailed in the statement I, into the Government Account and irregularly endorsed those banker cheques infavour of unidentified persons and not accounted for them in the treasury records concerned and thereby failed to follow the principles of financial propriety as a responsible Treasury Officer and exhibited conduct unbecoming of a Government Servant”.

**Charge-II:**

“Sri Y.Krishnaiah, STO, Podalakur has credited an amount of Rs.34,268/- being the undisbursed pension returned from the SBI, Podalakur as detailed in the statement-II, into the STO's Current Account and irregularly drawn the amount from the bank and misappropriated the same without accounting in the treasury records concerned and remitted the same vide challan No.227 dtd.21-06-2006 only when it was detected during the Annual Inspection. Thereby failed to maintain absolute integrity and behaved in a manner unbecoming of a Government Servant in contravention of Rule 3 of APCS (Conduct) Rules, 1964.”

**Charge-III:**

“Sri Y.Krishnaiah, STO, Podalakur as a Drawing and Disbursing officer has not maintained proper accounts of the financial transactions he made from the current account of the Sub Treasury and resorted to financial irregularities in contravention of the provisions contained in Article 3 and 5 of A.P. Financial Code Volume.I”

2. In the reference 4<sup>th</sup> read above, he has stated that the amount of Rs.9310/- in question being the undisbursed pensions due to the deceased pensioners has been paid to the proper persons of the concerned deceased pensioners by making necessary endorsement on the bankers cheques on the same day of their receipt from the SBI, Podalakur due to pressure of the legal heirs (proper persons) to pay the L.T. to them

without delay. Necessary proper person certificates to the effect that the proper persons to receive Govt. dues if any due to the concerned deceased persons to the effect that the certificates issued by the competent authorities. He further stated that though the procedure adopted by him in paying the LTA amounts in question to the legal heirs (proper persons) is not in accordance with the rules the amounts were not misappropriated by him and he did not pay the LTA amounts to the unidentified persons. He has stated that he joined as STO at ST, Podalakur and the entire office work was being attended by him till 2/2006 due to lack of full strength of staff except one JA who was recently promoted from the cadre of shroff and he is very new to the clerical work. Due lack of time and staff and due to heavy work attending by him in his office, he could not follow the procedure as per rules to avoid adverse comments and commotions from the public. He has stated that as there was no time during annual inspection of the Sub Treasury to get the proper persons to attend before the inspecting authority (D.D., Dist. Treasury, Nellore) to prove that the amounts were paid to the proper persons. Though the LTA amounts were paid to the proper persons, the entire amounts of Rs.9310/- was paid to the Govt. account vide challan No.277 dtd.21-06-2006 because of the directions/instructions of the inspecting officers. The circumstances were made him to choose such method of quick payments to the eligible persons in public interest. However he will be very careful in future to guard such irregularities. He has taken the stand of lack of sufficient staff and due to heavy work being attended to by him during that time, and because he could not follow the prescribed procedure in crediting the undisbursed amounts of Rs.34,268/- (29393+875) into Govt. account, due to rush of work but credited to current account of the STO/DDO of the Sub Treasury. The above said two amounts were not misappropriated by him. They were drawn by preferring self/bearer cheques as detailed below so as to remit into Govt. account as per rules. Out of the above total amount of Rs.37768/-, Rs.3500/- pertains to pay fixation arrears paid to concerned staff members on the date of drawal itself. The remaining amount of Rs.34,268/- being the undisbursed pension returned by ST, Podalakur which was credited to the current account of the DDO of the Sub Treasury, Podalakur into Govt. account. But unfortunately his wife fell into serious illness and he was very busy in attending to her treatment besides heavy work in the office. There was no suitable senior accountant in the Sub Treasury to keep in-charge of the Sub Treasury officer's post if he availed leave during that period. Due to heavy work being attended to by him and due to lack of time, he could not remit the above amounts into Govt. account immediately after drawal from the current account of the DDO of the Sub Treasury. In the meanwhile, annual inspection of the Sub Treasury was taken place and pointed out the above irregularity. The above said amounts were remitted into Govt. accounts on 21-06-2006 with the delay of one month and 20 days. He could not maintain the connected records properly as per rules. However, the entire amount was remitted into Govt. account vide Challan No.227 dtd.21-6-2006. The above amount was not misappropriated by him and he never behaved in a manner unbecoming of a Govt. servant. He regretted very much for the above delay in remitting the above amount into Govt. account and such delay will be avoided in future. He has stated that by the time, he joined as STO at Sub Treasury, Podalakur there was only one JA out of the cadre strength of the Sub Treasury of one SA and two JAs. Moreover the above said JA was newly promoted to the cadre of JA from the cadre of shroff and posted to the Sub Treasury, Podalakur. JA is very new to the clerical work. Further in the month of 2/2006. One SA on reinstatement from suspension was posted to the Sub Treasury, Podalakur with instructions in the posting orders that he should not be entrusted with the focal subjects, which are connected with the public. Therefore the entire office work was being attended to by him with an intention that the public will not suffer under any circumstances. In spite of several requests, no suitable and full strength of staff was provided to the Sub Treasury. This is the main reason for all the defects/omissions in maintaining the records in the Sub Treasury. Due to lack of full strength of staff and as the existing JA was new to clerical work and as the SA posted in 2/2006 has to attend only non focal work as per the instructions of the higher authorities, he has to attend the entire ST work without giving room for any complaint from the departmental officers, pensioners, Sarpanches, stamp vendors, and from general public. He discharged his duties with out any complaint from any corner and delay in maintaining the records which will not effect the public interest. If the immediate higher authorities have any intention for prepare maintenance of records properly in the Sub Treasury, Podalakur, such higher authority would have filled all the posts with suitable persons without

keeping any post vacant. Therefore non maintenance of certain records properly was not his intention.

3. Not satisfied with the written statement of defence a regular enquiry was ordered under Rule 20 of APCS (CC&A) Rules, 1991, the Enquiry Officer has submitted his report vide reference 5<sup>th</sup> read above, On the basis of documentary and oral evidence adduced in the case before Enquiry Officer and in view of the reasons given in Enquiry Report, he hold that all the three charges are proved against Sri Y.Krishnaiah, STO, Podalakur.

4. In the reference 6<sup>th</sup> read above the Charged Officer was supplied with E.O's report and was given opportunity under Rule 21 of APCS (CC&A) Rules, 1991 for further representation on the Enquiry report.

5. In the reference 7<sup>th</sup> read above, the individual has submitted his explanation on the enquiry report, he has stated that, though he admitted his procedural lapses, has denied the aspect of misappropriation. He has stated that he could not remit the amount to the Government account immediately due to shortage of staff and rush of work and for the reason that his wife fallen ill at that time. The Charged Officer has admitted his mistakes and requested for dropping of the charges.

6. After careful examination of the material, charge memo, written statement of deference, Enquiry Report, representation of the Charged Officer on Enquiry Report, Government have come to a provisional conclusion to impose the punishment of withholding 10% of pension for a period of 5 years against Sri Y.Krishnaiah, the then Sub Treasury Officer (Retd) and accordingly final show cause notice was issued to the individual under Rule 9 of A.P. Revised pension Rules, 1980 vide reference 8<sup>th</sup> read above.

7. In the reference 9<sup>th</sup> read above, he has not mentioned any new points and he has reiterated his earlier explanation. The Government have addressed to APPSC for concurrence on the proposed punishment of withholding of **10% in his pension for a period of 5 years** against Sri Y.Krishnaiah, Sub Treasury Officer (Retd) vide reference 10<sup>th</sup> read above.

8. In the reference 11<sup>th</sup> read above, the Commission have stated that after careful examination of the disciplinary case in the light of the records made available, Commission opined that the proposed punishment of 10% cut in pension for a period of 5 years against C.O. appears to be on higher side and harsh. Therefore Commission advised to impose punishment of **2% cut in pension for one year** against Sri Y.Krishnaiah, STO (Retd) and advised accordingly.

8. Accordingly, Government hereby order to impose the punishment of withholding 2% cut in his pension for a period of One (1) year on Sri Y.Krishnaiah, STO (Retd), Sub-Treasury, Podalakur, Nellore Dist, under Rule 9 of A.P. Revised Pension Rules, 1980, for the charges proved in the disciplinary proceedings initiated vide reference 3<sup>rd</sup> read above.

9. The Director of Treasuries and Accounts, Hyderabad shall take necessary action accordingly and serve this order on the individual and send the duplicate copy with his acknowledgement to the Government, at the earliest.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)  
L.V.SUBRAHMANYAM  
PRINCIPAL SECRETARY TO GOVERNMENT (FP)

To

The individual (through DTA)

Copy to: DTA, Hyderabad

The AG, AP Hyderabad

The APPSC, Hyderabad

//Forwarded: By Order//

SECTION OFFICER